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TC 1700

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7+37 Refs

Application Number

09/780,273

Filing Date

February 9, 2001

First Named Inventor

FROSETH, BARRIE R.

Group Art Unit

1761

Examiner Name

Attorney Docket Number

5390USA

### ENCLOSURES (check all that apply)

- Fee Transmittal Form
  - Fee Attached
- Amendment / Reply
  - After Final
  - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Supplemental Information Disclosure Statement
- Certified Copy of Priority Documents
- Response to Missing Parts/ Incomplete Application
  - Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
  - Return Postcard
  - Fee Transmittal
  - 37 References

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name

JOHN A. O'TOOLE

Signature

*John A. O'Toole*

Date

*August 19, 2004*

### CERTIFICATE OF MAILING

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*Karla K. Weis*

Date

8-20-04

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30173

PATENT TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re.: Patent Application of  
FROSETH, BARRIE R.  
BOWERS, RAYMOND  
DICKSON, KATY  
GEDDIS, MICHAEL E.  
JOY, MYER

*RECEIVED*  
AUG 30 2004  
TC 1700

Serial No.: 09/780,273

Filed: February 9, 2001

For: CUSTOMIZED FOOD SELECTION, ORDERING AND  
DISTRIBUTION SYSTEM AND METHOD

Docket No.: 5390USA

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant herewith submits Substitute for Form  
1449A/PTO identifying certain references which the Examiner  
may wish to consider in examining the above-identified  
application. No representation is made that any of these  
cited references constitute prior art against the presently  
claimed subject matter.

Copies of the references are included. English  
abstracts are relied upon as a statement of pertinency for  
the German reference, DE 4323788, and the Japanese  
reference, WO 00/24273.

08/25/2004 SSESHE1 00000145 070900 09780273

01 FC:1806 180.00 DA

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*O I P E*  
AUG 25 2004  
PATENT & TRADEMARK OFFICE

# FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	07-0900
Deposit Account Name	GENERAL MILLS, INC.

The Director is authorized to: (check all that apply)

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- Credit any overpayments
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- Charge any additional fee(s) or any underpayment of fee(s)
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- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Indep. Claims	-3** =			
Multiple Dependent				

Large Entity Fee	Small Entity Fee	Fee Description
Code (\$)	Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue Independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above.

Complete if Known			
Application Number	09780,273		
Filing Date	February 9, 2001		
First Named Inventor	FROSETH, BARRIE R.		
Examiner Name	RECEIVED AUG 31 2004 TC 1700		
Art Unit			
Attorney Docket No.	5390USA		
FEE CALCULATION (continued)			
3. ADDITIONAL FEES			
Large Entity	Small Entity		
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1406 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	\$180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 180)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	JOHN A. O'TOOLE	Registration No. (Attorney/Agent)	28,336
Signature	<i>John A. O'Toole</i>	Telephone	763-764-2422
		Date	08/13/2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



The Commissioner is hereby authorized to charge the required fee to Deposit Account 07-0900 in order to have this Supplemental Information Disclosure Statement considered.

Respectfully submitted,

FROSETH, BARRIE R.  
BOWERS, RAYMOND  
DICKSON, KATY  
GEDDIS, MICHAEL E.  
JOY, MYER

I hereby certify that this document is being deposited with the United States Postal service as first class mail in an envelope addressed to:  
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
on: August 20, 2004  
Karl A. Weis  
Signature

By:

John A. O'Toole 8/19/04

John A. O'Toole  
Attorney for Applicants  
Reg. No. 28,336  
Minneapolis, MN  
(763) 764-2422



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PATENT TRADEMARK OFFICE



**INFORMATION  
DISCLOSURE STATEMENT  
BY APPLICANT**

Complete If Known

Application Number	09/780,273
Filing Date	February 9, 2001
First Named Inventor	FROSETH, BARRIE R.
Group Art Unit	
Examiner Name	
Attorney Docket Number	5390USA

Sheet	1	of	3	Title: CUSTOMIZED FOOD SELECTION, ORDERING AND DISTRIBUTION SYSTEM AND METHOD
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**U.S. PATENT DOCUMENTS**

Examiner Initial	Cite No.	Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass
	AA	3,843,814	Grunewald-Kirstein	10-22-1974		
	AB	3,851,574	Katz et al.	12-03-1974		
	AC	4,751,090	Belleson et al.	06-14-1988		
	AD	4,767,635	Merritt et al.	08-30-1988		
	AE	4,904,488	LaBow et al.	02-27-1990		
	AF	4,918,182	Jackson et al.	04-17-1990		
	AG	5,120,563	Mohlenkamp, Jr. et al.	06-09-1992		
	AH	5,196,218	Schwab et al.	03-23-1993		
	AI	5,200,222	Schwab et al.	04-06-1993		
	AJ	5,284,666	Graf	02-08-1994		
	AK	5,338,556	Schwab et al.	08-16-1994		
	AL	5,443,858	Jensen et al.	08-22-1995		
	AM	5,650,084	Bley	07-22-1997		
	AN	5,747,091	Denhartog et al.	05-05-1998		
	AO	5,750,166	Schellhaass	05-12-1998		
	AP	5,753,287	Chedid et al.	05-19-1998		
	AQ	5,919,505	Monsalve et al.	07-06-1999		
	AR	5,952,026	Greenway et al.	09-14-1999		
	AS	5,993,869	Freeport	11-30-1999		
	AT	6,099,877	Schuppan	08-08-2000		
	AU	6,248,379	Capodieci	06-19-2001		



AUG 25 2004

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TC 1100

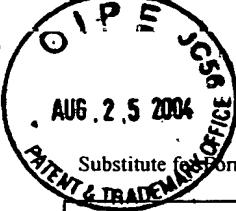
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Complete If Known	
				Application Number	09/780,273
				Filing Date	February 9, 2001
				First Named Inventor	FROSETH BARRIE R
				Group Art Unit	
				Examiner Name	
Attorney Docket Number	GMI 5390USA				
Sheet	2	of	3	Title: CUSTOMIZED FOOD SELECTION, ORDERING AND DISTRIBUTION SYSTEM AND METHOD	

#### FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	Foreign Patent Number			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office	Document Number	Kind			
	AV	DE	4323788	C1	Link	07-15-1993	
	AW	EP	0260979	B1	Tate & Lyle	03-23-1988	
	AX	EP	0375122	B1	Warner-Lambert	07-27-1994	
	AY	EP	1177728	A1	San-El Gen F.F.I.	02-06-2002	
	AZ	GB	2197575	A	Tate & Lyle	05-25-1988	
	BA	WO	00/24273		San-El Gen F.F.I.	05-04-2000	

#### OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initial	Cite No.	Author, Title, Date, Pertinent Pages, Etc.
	BB	Decareau, R.V., MICROWAVE FOODS: NEW PRODUCT DEVELOPMENT, Copyright 1992, by Food & Nutrition Press, Inc., pp. 48-50.
	BC	"Jolly Time Pop-ularity Contest", from Internet website <a href="http://www.newstimes.rway.com">www.newstimes.rway.com</a> , April 3, 2002
	BD	Francis, Encyclopedia of Food Science and Technology, 2000, John Wiley & Sons, Inc., Second Edition, Volumes 2 & 4, pps. 859-860, 2253-2254
	BE	"Sugar Free Caramel Popcorn", Healthy Exchanges Message Boards and Online Support, from Internet website <a href="http://www.healthyexchanges.com">www.healthyexchanges.com</a> , November 26, 2000
	BF	"Tidbits: How Slightly Sweet It Is!", from Internet website <a href="http://www.startribune.com">www.startribune.com</a> , February 2, 2002
	BG	"Two Top Foods You Miss the Most", Google Groups, Newsgroups: alt.support.diet.low-carb, <a href="http://groups.google.com">http://groups.google.com</a> , December 9, 1999
	BH	"Artificial Sweetener You Can Bake With?", Google Groups, Newsgroups: misc.health.diabetes, <a href="http://groups.google.com">http://groups.google.com</a> , June 6, 1999
	BI	"Can Sucralose be Carmelized?", Google Groups, Newsgroups: alt.support.-diet.low-carb, <a href="http://groups.google.com">http://groups.google.com</a> , January 21, 2000

O I P  
AUG. 25 2004

Substitute for Form 1449A/PTO

**INFORMATION  
DISCLOSURE STATEMENT  
BY APPLICANT**

**Complete If Known**

Application Number	09/780,273
Filing Date	February 9, 2001
First Named Inventor	FROSETH, BARRIE R.
Group Art Unit	
Examiner Name	
Attorney Docket Number	5390USA

Sheet	3	of	3	Title: CUSTOMIZED FOOD SELECTION, ORDERING AND DISTRIBUTION SYSTEM AND METHOD
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**OTHER ART – NON PATENT LITERATURE DOCUMENTS - CONTINUED**

Examiner Initial	Cite No.	Author, Title, Date, Pertinent Pages, Etc.
	BJ	“Sugar Alcohol??”, Google Groups, Newsgroups: misc.health.diabetes, <a href="http://groups.google.com">http://groups.google.com</a> , January 19, 2001
	BK	International Food Information Counsel, “Everything You Need to Know About Sucralose”, May 1998, <a href="http://www.ific.org/publications/brochures/sucralosebroch.cfm">http://www.ific.org/publications/brochures/sucralosebroch.cfm</a> , pps. 1-4

Examiner Signature		Date Considered	
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